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Attorney for Plaintiff
GRACE QUINN

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

GRACE QUINN,

Plaintiff,

v.

FINANCIAL ASSET MANAGEMENT
SYSTEMS, INC,

Defendant.

Civil Action No.: _____

COMPLAINT

For this Complaint, Plaintiff GRACE QUINN, by undersigned counsel,
states as follows:

JURISDICTION

1. This action arises out of Defendant's violations of the Fair Debt
Collection Practices Act, 15 U.S.C. § 1692, et seq. ("FDCPA"), and the harassment
of Plaintiff by Defendant and its agents in their illegal efforts to collect a consumer
debt and jurisdiction is therefore proper in this Court pursuant to 28 U.S.C. § 1331.

1 2. Supplemental jurisdiction exists pursuant to 28 U.S.C. § 1367.

2 3. Venue is proper in the U.S. District Court for the District of Nevada
3
4 pursuant to 28 U.S.C. § 1391(b), as Defendant transacts business in the State of
5 Nevada.

6
7 **PARTIES**

8 4. Plaintiff GRACE QUINN (“Plaintiff”) is an adult individual residing
9 in Las Vegas, Nevada, and is a “consumer” as the term is defined by 15 U.S.C. §
10 1692a(3).

11 5. Defendant FINANCIAL ASSET MANAGEMENT SYSTEMS, INC.
12 (“FAMS”), is doing business in the State of Nevada as a business entity operating
13 as a collection agency, and is a “debt collector” as the term is defined by 15 U.S.C.
14 § 1692a(6).
15

16
17 **ALLEGATIONS APPLICABLE TO ALL COUNTS**

18 **A. The Debt**

19
20 6. Plaintiff allegedly incurred a financial obligation (the “Debt”) to
21 NAVIENT (the “Creditor”).

22 7. Plaintiff is informed and believes, and thereon alleges, Debt is
23 regarding a private student loan debt, which is money, property, or their
24 equivalent, due or owing or alleged to be due or owing from a natural person by
25 reason of a consumer credit transaction. Because the Debt is for student loan
26
27

1 debts, which are primarily for personal, family, or household purposes, this action
2 arises out of a “debt” as that term is defined by 15 U.S.C. 1692a(5).
3

4 8. In 2010, Plaintiff ceased making payments on the Debt and defaulted
5 on the Debt and made no voluntary payments thereafter.

6 9. The Debt was time barred from collection having been in default for
7 more than six (6) years pursuant to NRS 11.1190(1).
8

9 10. The Debt was transferred, sold, assigned or otherwise conveyed to
10 Defendant for collection.

11 11. Defendant attempted to collect the Debt and, as such, engaged in
12 “communications” as defined in 15 U.S.C. § 1692a(2).
13

14 12. However, even though the Debt had been in default and unpaid since
15 at least 2010, FAMS continued demanding payment on the Debt well after (more
16 than 6 years) it was legally permitted to collect the Debt.
17

18
19 **B. FAMS Engages in Harassment and Abusive Tactics**

20
21 **FACTS**

22 13. On or about January 24, 2019, Plaintiff received an illegal and time
23 barred dunning letter from FAMS, attempting to collect the time barred debt on
24 behalf of Navient.
25
26
27

1 14. In part, the letter threatened to take “additional collection efforts” if
2
3 Plaintiff did not pay the Debt as follows:

4 *Failure to pay the account in full, agree to a satisfactory repayment arrangement, or utilize another recovery option listed above*
5 *may result in additional collection efforts. These efforts may include:*
6 • *Contacting your employer to seize a portion of your paycheck through administrative wage garnishment.*
7 • *Intercepting future federal and/or state income tax refunds or other federal payments due you.*
8 • *Assigning your loan(s) to the U.S. Department of Education for collection.*
9 • *Pursuing other lawful collection procedures.*

10 15. FAMS sent another dunning letter dated March 23, 2019, in which it
11 again attempted to collect the Debt. Again, Defendant threatened to take action to
12 collect the Debt as follows:

13 Your prompt response is needed to avoid any other collection activity on your account. If you have any questions or you would
14 like to know what other options are available to you, please contact our office.

15 16. FAMS sent the dunning letters at a time it knew or should have
16 known Plaintiff was represented by counsel regarding this specific account, since it
17 acquired the Debt from Navient with whom the Plaintiff previously engaged
18 counsel to file suit in the District of Nevada. FAMS therefore would or should
19 have known that the Plaintiff was represented by Counsel and upon information
20 and belief FAMS’s account records will prove same.

21 17. FAMS sent the dunning letters threatening to take an action or actions
22 it knew or should have known it was not entitled to take, since FAMS knew or
23 should have known the Debt was time barred pursuant to NRS 11.1109(1), and
24 therefore could not be collected.
25
26

27 18. This suit results.

1 **C. Plaintiff Suffered Actual Damages**

2
3 19. Plaintiff has suffered and continues to suffer actual damages as a
4 result of FAMS' unlawful conduct.

5 20. As a direct consequence of FAMS' acts, practices, and conduct,
6 Plaintiff suffered and continues to suffer from humiliation, anger, anxiety,
7 emotional distress, fear, frustration, and embarrassment.
8

9
10 **VIOLATIONS OF THE FDCPA - 15 U.S.C. § 1692, et seq.**

11
12 21. Plaintiff incorporates by reference all of the above paragraphs of this
13 Complaint as though fully stated herein.

14 22. Defendant's conduct violated 15 U.S.C. § 1692c(a)(2) in that
15 Defendant contacted Plaintiff after it knew or should have known Plaintiff was
16 represented by an attorney regarding the Debt.
17

18 23. Defendant's conduct violated 15 U.S.C. § 1692e in that Defendant
19 attempted to collect a debt that was no longer legally enforceable and was "time
20 barred" under NRS 11.190.
21

22 24. Defendant's conduct violated 15 U.S.C. § 1692e in that Defendant
23 engaged in false, deceptive, or misleading behavior in connection with the
24 collection of a debt.
25

26 25. Defendant's conduct violated 15 U.S.C. § 1692e(5) in that Defendant
27

1 threatened to take and action against Plaintiff it could not legally take or did not
2 intend to take in collection of a debt.

3
4 26. Defendant's conduct violated 15 U.S.C. § 1692e(10) in that Defendant
5 employed various false representations and deceptive means to collect a debt.

6
7 27. Defendant's conduct violated 15 U.S.C. § 1692f in that Defendant
8 used unfair and unconscionable means to collect a debt and attempted to humiliate
9 and belittle Plaintiff.

10
11 28. The foregoing acts and omissions of Defendant constitute numerous
12 and multiple violations of the FDCPA, including every one of the above-cited
13 provisions.

14 29. Plaintiff is entitled to damages as a result of Defendant's violations.

15
16 30. Plaintiff has been required to retain the undersigned as counsel to
17 protect her legal rights to prosecute this cause of action, and is therefore entitled to
18 an award or reasonable attorneys' fees plus costs incurred.

19
20 **PRAYER FOR RELIEF**

21 **WHEREFORE**, Plaintiff prays judgment be entered against Defendant
22 awarding Plaintiff:
23

24 **VIOLATIONS OF 15 U.S.C. § 1692**

25 1. for actual damages including, but not limited to, the emotional distress
26

27 Plaintiff has suffered (and continues to suffer) as a result of the

intentional, reckless, and/or negligent FDCPA violations pursuant to 15
U.S.C. § 1692k(a)(1);

2. for statutory damages of \$1,000.00 pursuant to 15 U.S.C. §
1692k(a)(2)(A);
3. for punitive damages; and
4. for any other and further relief that the Court may deem just and proper.

TRIAL BY JURY DEMANDED ON ALL COUNTS

Dated: November 7, 2019

Respectfully submitted,

By /s/David H. Krieger, Esq.

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